

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK NUNEZ, et al.,

Plaintiffs,

**DECLARATION OF
JONATHAN LEVINE**

-against-

CITY OF NEW YORK, et al.,

Defendants.

11 Civ. 5845 (LTS)(JCF)

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UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

-against-

CITY OF NEW YORK and NEW YORK CITY
DEPARTMENT OF CORRECTION,

Defendants.

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STATE OF NEW YORK)

:SS:

COUNTY OF QUEENS)

I, Jonathan Levine, declares pursuant to 28 U.S.C. Code §1746 under penalty of perjury
that the following is true and correct:

1. I am an Assistant Commissioner with the Special Investigations Unit (SIU) of the New York City Department of Correction.
2. I have been asked by the City of New York to prepare the following declaration pertaining to deaths in custody of Felix Taveras that occurred on July 4, 2023, William Johnstone that occurred on July 15, 2023, Curtis Davis that occurred on July 23, 2023, and Donny Ubiera that occurred on August 22, 2023.

3. As an Assistant Commissioner, I am familiar with the underlying deaths in custody of Felix Taveras, William Johnstone, Curtis Davis, and Donny Ubiera.
4. The underlying incidents regarding Felix Taveras, William Johnstone, Curtis Davis, and Donny Ubiera and resulting investigations are still open and being investigated by SIU.
5. At this juncture, disclosure of any documents pertaining to the underlying incidents regarding the deaths in custody of Felix Taveras, William Johnstone, Curtis Davis, and Donny Ubiera and resulting investigations would impact the integrity of such investigations by revealing privileged investigative and law enforcement techniques. Furthermore, disclosure of any documents pertaining to the underlying incidents would prevent the SIU from pursuing certain investigative avenues.
6. I have also been asked by the City of New York to prepare the following declaration pertaining to Illustrative Example 7 in the Monitor's July 10, 2023 report.
7. As an Assistant Commissioner, I am aware of the underlying incident and resulting investigation designated as COD 1779/23.
8. The underlying incident regarding COD 1779/23 is still open and being investigated by the SIU.
9. At this juncture, disclosure of any documents pertaining to the underlying incidents regarding COD 1779/23 and the resulting investigation would impact the integrity of such investigation by revealing privileged investigative and law enforcement techniques. Furthermore, disclosure of any documents pertaining to the underlying incidents would prevent the SIU from pursuing certain investigative avenues.

ACJ Sequence #64
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Date: 9/28/23